

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**CHRISTINA L. CUPP, AS ADM. OF THE  
ESTATE OF LITTLE JOHN CUPP**

**PLAINTIFF,**

**vs.**

**UNITED HEALTHCARE SERVICES,  
INC., ET AL.**

**DEFENDANTS.**

**CASE No. 2:24-CV-01519**

**JUDGE EDMUND A. SARGUS**

**MAGISTRATE JUDGE CHELSEY M.  
VASCURA**

**ANSWER TO PLAINTIFF’S COMPLAINT OF DEFENDANTS ADENA HEALTH  
SYSTEM, ADENA MEDICAL GROUP, LLC, AND HAFEEZ UL HASSAN, M.D.**  
**(Jury Demand Endorsed Heron)**

Now come Defendants, Adena Health System (“Adena”), Adena Medical Group, LLC (“AMG”) and Hafeez Ul Hassan, M.D. (“Dr. Hassan”) (collectively “Defendants”), by and through undersigned counsel, and for their Answer to Plaintiff’s Complaint state as follows:

**FIRST DEFENSE**

1. Defendants deny for lack of present knowledge or information the allegations contained in paragraphs 1-4, 10, 12-24, and 26-49 of Plaintiff’s Complaint.
2. Defendants admit the allegations contained in paragraphs 5, 6, 7, 9, and 11 of Plaintiff’s Complaint.
3. Defendants admit that Dr. Hassan was an employee of AMG as alleged in paragraph 8 of Plaintiff’s Complaint and deny the remaining allegations in said paragraph for lack of present knowledge or information.

4. Defendants admit that a document entitled “Affidavit of Merit” is attached to Plaintiff’s Complaint as alleged in paragraph 25 and deny the remaining allegations in said paragraph for lack of present knowledge or information.

5. Defendants deny the allegations contained in paragraphs 50-57 of Plaintiff’s Complaint.

6. Defendants specifically deny and all allegations of negligence and failures on its part in the care and treatment of Plaintiff.

7. Defendants deny each and every allegation contained in Plaintiff’s Complaint not specifically admitted herein.

**SECOND DEFENSE:**

8. Defendants state that Plaintiff’s Complaint fails to state a claim upon which relief can be granted.

**THIRD DEFENSE:**

9. Defendants state that there is, or may be, a defect in parties Plaintiff.

**FOURTH DEFENSE:**

10. Plaintiff’s injuries and damages may have been caused and/or contributed to by a known risk of the procedure and/or an assumption of the risk.

**FIFTH DEFENSE:**

11. Plaintiff’s injuries and damages may have been caused by and/or contributed to Plaintiff’s own comparative negligence.

**SIXTH DEFENSE:**

12. Defendants state that the actions or omissions of third parties, not under the direction or control of these answering Defendants, proximately caused or contributed to cause Plaintiff's injuries and damages, in whole or in part.

**SEVENTH DEFENSE:**

13. Defendants state that Plaintiff's claims may be barred by the applicable statute of limitations.

**EIGHTH DEFENSE:**

14. Plaintiff has failed to join necessary parties to this litigation.

**NINTH DEFENSE:**

15. Plaintiff lacks a reasonable good faith basis to bring this medical claim against these answering Defendants, thereby entitling Defendants to an award of attorney's fees and costs against Plaintiff, as provided by Ohio Revised Code § 2323.42.

**TENTH DEFENSE:**

16. Plaintiff's Complaint is inadequate, pursuant to Ohio Civil Rule of Procedure 10(D)(2)(a) and any corresponding Federal Rule of Civil Procedure.

**ELEVENTH DEFENSE:**

17. Any potential liability of these answering Defendants is limited to a proportionate share, pursuant to Ohio Revised Code 2307.

**TWELFTH DEFENSE:**

18. Defendants are entitled to a setoff of damages or a limitation of damages pursuant to all applicable laws and/or statutes.

**THIRTEENTH DEFENSE:**

19. Defendants reserve the right to assert additional affirmative defenses as warranted by ongoing investigation and discovery.

**WHEREFORE**, Defendants, Adena Health System, Adena Medical Group, LLC, and Hafeez Ul Hassan, M.D., having fully answered Plaintiff's Complaint, pray that the Complaint against them be dismissed and that they recovers their costs expended herein.

Respectfully submitted,

/s/ Jessica L. Davis

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*Counsel for Defendants Adena Health System,  
Adena Medical Group, LLC, and Hafeez Ul Hassan,  
M.D.*

**JURY DEMAND**

Defendant demands a trial by jury of the within action.

/s/ Jessica L. Davis

Jessica L. Davis (0075487)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served upon the following by e-mail and/or regular mail this 30<sup>th</sup> day of April, 2024:

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